

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments is courteously solicited.

Initially, with regard to the rejection of claims 1 and 2 under 35 U.S.C. 102(e) as being anticipated by Chen et al., (U.S. 2004/0154737), Applicants respectfully request that this rejection be withdrawn. The cited document does not constitute prior art under 35 U.S.C. 102(e) as the filing date of the instant application in the United States and the filing date of the cited reference are both September 22, 2003. Therefore, the cited reference does not constitute prior art under 35 U.S.C. 102(e). In addition, at the time the invention was made in the instant application Applicants were under an obligation to assign the invention to the Assignee of the instant application which is the Assignee of the cited publication. Accordingly, it is believed that this rejection as raised in paragraph No. 4 on Page 2 of the examiner's action should be withdrawn.

With regard to the rejection of claims 1-5 under 35 U.S.C. 112, second paragraph, Applicant has amended independent claim 1 and dependent claim 4 so as to overcome the objections raised by the examiner. In light of the foregoing, it is submitted that claims 1-5 now comply with the formal requirements of 35 U.S.C. 112, second paragraph.

With regard to the provisional rejection of previously submitted claims 1-5 under the judicially created doctrine of obviousness type double patenting, Applicants submit herewith a Terminal disclaimer thereby rendering this ground of rejection moot.

With regard to the rejection of claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by JP 58163587, Applicants respectfully request the examiner to reconsider this rejection as it applies to amended independent claim 1 and newly submitted

independent claim 6.

The rollers in JP '587 are opaque. Independent claims 1 and 6 clearly set forth that the focusing means directs the laser beam through "a transparent roller" to the materials to be welded. Such a structure is not at all shown by the prior art. In fact, JP '587 which employs opaque rollers actually directs the laser beam through a gap between the rollers. The structure is totally different from that structure claimed in independent claims 1 and 6.

In light of the foregoing, it is submitted that independent claims 1 and 6 and the claims which depend therefrom patentably distinguish over JP '587.

With regard to the rejection set forth in paragraph 7 on Page 4 of the examiner's action, Applicants incorporate herein the comments set forth above with regard to the co-pending application cited in paragraph 4 of the examiner's action. This rejection as set forth in paragraph 7 should be withdrawn.

With regard to the rejection of the claims set forth in paragraph 9 of the examiner's action, Applicants respectfully request the examiner to reconsider his rejection as applies to amended independent claims 1 and 6. The cited DE '742 does not show the claimed focusing means for directing a laser beam through a transparent roller. While the Japanese '587 does disclose a focusing means, the rollers in JP '587 are opaque and the laser beam is passed though a gap formed between the rollers. It is not seen where there is motivation in either of the cited references for combining same as proposed by the examiner. It is believed that such motivation only results from Applicants instant disclosure. This hindsight reconstruction is improper and belies the concept as a whole clause of 35 U.S.C. 103.

In light of the foregoing, it is submitted that all of the

claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

Jie-Wei Chen et al.

By _____

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I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on November 30, 2005.